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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,964	02/13/2002	Duncan Kerr	APL1P215/P2698	9251
22434	7590	10/20/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			TON, ANABEL	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	
			2875	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/075,964	Applicant(s) KERR, DUNCAN	
	Examiner Anabel M Ton	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-31,34-51,53-74 and 76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-51,56-74 and 76 is/are allowed.
- 6) ☒ Claim(s) 1,3-14,18-20,27,28 and 53-55 is/are rejected.
- 7) ☒ Claim(s) 15-17,21-26 and 29-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The indicated allowability of claims 1,3-14,18-20,27,28,53-55 is withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3-14,18-20,27,28,53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over An et al in further view of Pederson (6,476,726).

1. An discloses the claimed invention except for the recitation of the light emitting device configured to produce and adjustable light effect for colorizing or patternizing the illuminable housing in order to significantly alter the ornamental appearance of the housing of the computing device. Pederson discloses a LED signal light disposed within a housing that produces an adjustable light effect for colorizing of patternizing the housing,

- At least one LED, a plurality of LED's, the LED's generating the same color light, the LED's generating individually different colors of light, the LED's cooperate to produce a light effect having a single color,
- The LED's cooperated to produce a light effect having a plurality of colors, the plurality of LED's are integrated into an LED array

- The LED's include a blue red and greed LED, the light illuminates an inner surface of the housing wall to effect an appearance change in an outer surface of the housing wall or an outer edge of the housing wall or an inner edge,
- The light from the light source illuminates an inner surface of the shaped wall to produce a shaped light effect at an outer surface of the shaped wall (fig 1);
- A lens for focusing the light generated by the light source (as claimed, an LED inherently has a lens for focusing the light generated by the light source), a reflector for redirecting the light to locations within the housing (372),
- A light source controller in communication with the light source (fig 11a), the light source controller being configured to process light commands to produce the light in a controlled manner via the light source,
- The housing wall (101) is capable of producing a characteristic glow at the outer periphery of the housing wall when the light is transmitted through the wall,
- The light effect is static, or dynamic.

1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Pederson's LED signal light patternizing effect into the device of An to produce a housing the emits a light effect that significantly alters the ornamental appearance of the device. Furthermore it has been held that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). The light source is configured to illuminate the interior of the illuminable housing (inherently the

interior of the housing that is illuminated is illuminated on the inside as well as the outside of the housing)

***Allowable Subject Matter***

1. Claims 34-51,56-74,76 are allowed.
2. Claims 15-17, 21-26,29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

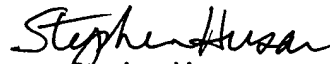
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875

AMT

  
Stephen Husar  
Primary Examiner